

REMARKS

This Response is submitted in reply to the non-final Office Action mailed on April 19, 2007. No fee is due in connection with this Response. The Director is authorized to charge any fees which may be required, or to credit any overpayment to Deposit Account No. 02-1818. If such a withdrawal is made, please indicate the Attorney Docket No. 112713-949 on the account statement.

Claims 1-40 are currently pending in this application. Claims 41-66 were previously canceled. In the Office Action, Claims 1-6 and 12-17 are rejected under 35 U.S.C. §102 and Claims 7-11 are rejected under 35 U.S.C. §103. For at least the reasons set forth below, Applicants respectfully submit that the rejections should be withdrawn.

Claims 1-6 and 12-17 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent Application Publication No. 2002/0115795 to Shang et al. (*Shang*). Applicants respectfully disagree with and traverse this rejection for at least the reasons set forth below.

Independent Claim 1 recites, in part, a cross-link free monolayer film comprising a polymer blend of a first component selected from the group consisting of 1) ethylene and α -olefin interpolymers having a density of less than about 0.915 g/cc, (2) ethylene and lower alkyl acrylate interpolymers, (3) ethylene and lower alkyl substituted alkyl acrylate interpolymers and (4) ionomers and a second component selected from the group consisting of propylene containing polymers and methyl pentene containing polymers. For example, in an embodiment, the film after steam sterilization has sufficient impact strength to withstand a drop from 8 feet without rupturing. The film does not require that any of its components be cross-linked or be exposed to cross-linking radiation. In contrast, Applicants respectfully submit that *Shang* is deficient with respect to the present claims.

Shang fails to disclose or suggest a cross-link free monolayer film comprising the polymer blend as required, in part, by Claim 1. Instead, *Shang* explicitly discloses that its monolayer film has a crosslinked component. *Shang* teaches that:

The present invention also provides other polymer blends suitable for fabricating a monolayer film, a multilayer film, a peel-seal film, a food or medical product container, a multichamber container, a multichamber peel seal container, an I.V. bag, a dialysis container, a nutritional-fluids container, and the like. The polymer blends have at least two components. The first component is a readily cross-linkable polymer and more preferably an ethylene-containing polymer. The second component is a non-readily cross-linkable polymer and more preferably a propylene-containing polymer. The blend is exposed to radiation to cross-link the first component but not the second component. The first component has a first melting point temperature determined by differential

scanning calorimetry (DSC) and the second component has a second melting point temperature determined by DSC that is higher than the first melting point temperature. (See FIG. 7)

See, *Shang*, paragraph 68 (emphasis added).

The Patent Office asserts that *Shang's* film, which has a crosslinked first component and a non-crosslinked second component, teaches a partially cross-link free film. See, Office Action, page 6. Nevertheless, Applicants respectfully submit that the Patent Office is mischaracterizing *Shang's* film in an attempt to arrive at the present claims. For example, a partially cross-link free monolayer film does not anticipate a cross-link free monolayer film because each film comprises distinguishable physical structures and characteristics. In fact, *Shang* specifically teaches that a cross-link comprises chemical linkages formed between different polymer molecules or between different segments of the same polymer molecule. Cross-linked polymers will show a significant increase in melt viscosity from a non-cross-linked version of the same polymer. See, *Shang*, paragraph 69.

In contrast to *Shang's* monolayer film, Applicants' specification teaches that the claimed film does not require any of its components to be cross-linked. See, specification, page 3 lines 1-2. In other words, the claimed "cross-link free film" is a film, the entirety of which includes no crosslinked component. Thus, the recited element "a cross-link free film" is a film which is not cross-linked or contains no cross-linked component. To assert that *Shang's* crosslinked film discloses the claimed cross-link free film is inconsistent with the meaning of "a cross-link free film" as set forth in the present application.

Moreover, *Shang* fails to disclose or suggest a two-component polymer blend having a first ethylene-based component being present in an amount of 10-50% by weight of the film and a second propylene/methyl pentene component present in an amount of 50-90% by weight of the film as required, in part, by Claim 1. Instead, *Shang* discloses a blend comprising a cross-linked first component being an ethylene-based component present in an amount of 55-99% by weight and a second component being present in an amount of 1-45% by weight. See, *Shang*, paragraphs 38-39. As the weight percentages of the claimed first and second components are beyond the weight ranges disclosed for the first and second components of the *Shang* blend, *Shang* fails to disclose or suggest the claimed subject matter. For at least the reasons discussed above, Applicants respectfully submit that Claim 1 and Claims 2-6 and 12-17 that depend from Claim 1 are novel, nonobvious and distinguishable from the cited reference.

Accordingly, Applicants respectfully request that the rejection of Claims 1-6 and 12-17 under 35 U.S.C. §102 be withdrawn.

Claims 7-8 are rejected under 35 U.S.C. §103(a) as being unpatentable over *Shang* in view of U.S. Patent No. 5,397,842 to Hamilton (*Hamilton*). Claims 9-11 are rejected under 35 U.S.C. §103(a) as being unpatentable over *Shang* in view of U.S. Patent No. 6,346,308 to Cahill et al. (*Cahill*). Applicants respectfully submit that the patentability of Claim 1 as previously discussed renders moot the obviousness rejections of Claims 7-11 that depend from Claim 1. In this regard, the cited art fails to teach or suggest the elements of Claims 7-11 in combination with the novel elements of Claim 1.

For example, *Shang* fails to disclose or suggest a number of elements recited in Claim 1 as discussed previously. *Hamilton* fails to remedy the deficiencies of *Shang*. *Hamilton* is directed to a polymer blend composed of 1) a polyolefin and 2) a segmented copolymer. *Hamilton*, col. 3 lines 33-62. *Hamilton's* segmented copolymer is a polyolefin and vinyl aromatic copolymer. *Id.* Consequently, *Hamilton* fails to disclose or suggest cross-link free film comprising an ethylene-based first component and a propylene/methyl pentene second component as required, in part, by Claim 1. Moreover, the *Hamilton* blend may be crosslinked, further leading the skilled artisan away from the present claims. *Hamilton*, col. 3 lines 60-63, col. 5 lines 61-68.

Cahill also fails to remedy the deficiencies of *Shang*. *Cahill* is directed to an oxygen barrier composition that may be used with polyolefin-based packaging. *Cahill*, col. 5 lines 30-40. *Cahill*, however, fails to disclose or suggest any cross-link free film comprising an ethylene-based first component present in an amount of 10-50% by weight of the blend and a propylene/methyl pentene based second component present in an amount of 50-99% by weight of the blend as required, in part, by Claim 1. *Cahill* therefore fails to disclose or suggest the claimed subject matter.

Accordingly, Applicants respectfully request that the obviousness rejections with respect to Claims 7-11 be reconsidered and the rejections be withdrawn.

Applicants note for the record that, although the Office Action summary identifies Claims 18-40 as having been rejected, any such rejection was improper 1) because no grounds have been stated (see 37 CFR §1.104(a)(2)/MPEP §707.07); and (2) since generic Claim 1 is allowable, Applicants are now entitled to examination of Claims 18-40 on the merits. Moreover,

Claims 18-40 are allowable for substantially the same reasons as Claims 1-17. Thus, Applicants request that the record reflect that these claims be allowed as presently pending.

For the foregoing reasons, Applicants respectfully request reconsideration of the above-identified patent application and earnestly solicit an early allowance of same.

Respectfully submitted,
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